REMARKS

Claims 124-127 and 133-181 are pending in this application. Claims 127, and 136-143 have been withdrawn. Previously independent claim 146 has been amended to depend from claim 176. Claims 146-173 have been amended to recite an "antibody" instead of a "bispecific antibody" and as further described in the above claim amendments. Previously independent claim 174 has been amended to depend from claim 176. Lastly, claim 177 has been amended to recite "recombinant antibody" instead of "polypeptide."

The Examiner has required restriction of claims 124-127 and 133-181 under 35 U.S.C. § 121. More specifically, the Examiner has required restriction to one of six (6) groups, as described below:

Group I	Claims 124-125, 133, 146-159 and 178-179
Group II	Claims 126, 134-135 and 160-173
Group III	Claims 127 and 136-137
Group IV	Claims 138-143
Group V	Claims 144-145 and 174-175
Group VI	Claims 176-177 and 180-181

The Examiner asserts that these groups are independent or distinct from each other. Applicants respectfully traverse. However, in the event the Examiner rejects the below arguments, applicants hereby elect Group VI (claims 176-177 and 180-181) with traverse.

Applicants respectfully maintain that the claims of Groups I, II, V and VI should be examined together for the following reasons:

Applicants point out that only one field of search is required, as evidenced by the classification of Groups I, II, V and IV within the same classes and subclasses. In view of the

classification of these groups, Applicants maintain that examination of Groups I, II and V along with elected Group VI would not impose an undue burden on the Examiner. In particular, a search for art related to the subject matter of Group VI would reveal art related to the subject matter of Groups I, II and V and vice versa.

Applicants note that currently amended claims 144, 146, 160 and 174 (Groups I, II and V) are dependent claims from elected claim 176 of Group VI and, therefore, should be examined together with the elected claims. Additionally, currently amended claims 147-150, 154-156, 161-164, 168-170 and 175 (Groups I, II and V) are dependent claims from claims 146, 160 and 174, either directly, or depend from a claim dependent from claim 146. Thus, these claims are related to the elected claim 176 through dependency. Consequently, claims 147-150, 154-156, 161-164, 168-170 and 175 should be examined together with the elected claim 176.

For example, the claims of Group I recite genes and/or vectors that encode for the product of claims 146 or 147. Claims 151-153, 157-159 and 178-179 (Group I) recite genes and/or vectors that encode for the product of claims 146 or 147, bacteriophage containing nucleic acids that encode for the product of claims 146 or 147, or host cells that produce the product of claims 146-147. Claims 124-125 and 133 recite methods of making recombinant antibodies of claim 146. The examination of these claims will not be an undue burden on the Examiner, as examination of the prior art disclosing these recombinant antibodies will reveal the methods of their production, including genes and/or vectors that encode for the product of claims 146 or 147, bacteriophage containing nucleic acids that encode for the product of claims 146 or 147, or host cells that produce the product of claims 146-147. The Examiner recognized the relatedness of these claims by placing them in a single group, i.e., Group I. Thus, claims 124-125, 133, 151-

153, 157-159 and 178-179 would be examined together with currently amended claim 146, and, consequently, together with currently elected claim 176 (Group VI).

Furthermore, Claims 165-167 and 171-173 (Group II) recite genes and/or vectors that encode for the product of claim 160, bacteriophage containing nucleic acids that encode for the product of claim 160, or host cells that produce the product of claim 160. Claims 126 and 134-135 recite methods of making recombinant antibodies of claim 160. The examination of these claims will not be an undue burden on the Examiner, as examination of the prior art disclosing the recombinant antibodies will reveal the methods of their production, including genes and/or vectors that encode for the product of claim 160, bacteriophage containing nucleic acids that encode for the product of claim 160, or host cells that produce the product of claim 160. The Examiner recognized the relatedness of these claims by placing them in a single group, i.e., Group II. Thus, claims 126, 134-135, 165-167 and 171-173 should be examined together with currently amended claim 160, and, consequently, together with currently elected claim 176 (Group VI).

Likewise, currently amended claim 174 (Group V) recites of the recombinant antibody of claim 176. The examination of this claim will not be an undue burden on the Examiner, as examination of the prior art disclosing the recombinant antibodies will reveal the methods of their production, including genes and/or vectors that encode for the product of claim 176, bacteriophage containing nucleic acids that encode for the product of claim 176, or host cells that produce the product of claim 176. The Examiner recognized the relatedness of this claim to claims 144-145 and 175 by placing them together in a single group, i.e., Group V. Thus, claims 144-145 and 175 should be examined together with currently amended claim 174, and, consequently, with currently elected claim 176 (Group VI).

Accordingly, to require the filing of a separate divisional application directed to Groups I, II and V would result in the very same search for art being repeated. Specifically, it is likely that the same Examiner would be in charge of the divisional application; but since that divisional application will be examined at a much later date, the Examiner will have to conduct a duplicate, redundant search at the time he examines the divisional application. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency would be incurred as a result of the examination of that divisional case. Such duplicate effort would be inefficient to the operation of the Patent and Trademark Office.

Moreover, as a result of the GATT legislation limiting the term of a patent to twenty years from its effective filing date, the delay in the examination of the non-elected claims will likely result in the patent term for these claims being unnecessarily shortened.

Therefore, for the above reasons, favorable reconsideration of the restriction requirement is thus earnestly solicited. However, as stated above, in the event the Examiner rejects the above arguments relating to Groups I, II, V and VI, applicants hereby elect Group VI (claims 176-177 and 180-181) with traverse.

CONCLUSION

Except for the fee for a three-months extension of time, no fees are believed due in connection with the filing of this Response to Restriction Requirement. However, the Director is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 50-0540.

Respectfully submitted,

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By: _____

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